

# Court of Appeals, State of Michigan

## ORDER

Rosie Washington v St John Health

Docket No. 297332

LC No. 09-001673-NO

Michael J. Talbot  
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens  
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the March 12, 2010, order of the Wayne County Circuit Court is VACATED. Plaintiff's complaint asserted two negligence claims against defendants based on their employees' dropping of plaintiff Rosie Washington while they were assisting her between her wheelchair and bed and based on defendants' failure to supervise and train its agents of the proper way to handle disabled residents. Defendants moved for summary disposition of plaintiff's claims on the basis that plaintiff's claims sounded in medical malpractice rather than ordinary negligence. In denying the motion, the trial court failed to analyze (1) whether the claims pertain to an action that occurred within the course of a professional relationship; and (2) whether the claims raise questions of medical judgment beyond the realm of common knowledge and experience. *Bryant v Oakpointe Villa Nursing Centre*, 471 Mich 411, 422; 684 NW2d 864 (2004) and *Dorris v Detroit Osteopathic Hosp Corp*, 460 Mich 26, 45-46; 594 NW2d 455 (1999). Accordingly, the matter is REMANDED to the trial court to address both prongs with respect to each claim asserted in the complaint. In doing so, the trial court shall explain either on the record or in writing why the failure to train and supervise does not fall under the *Bryant* and *Dorris* rulings.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 19 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk